

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

POINT VININGS ONE, LLC, AND POINT VININGS TWO, LLC,)	
)	Case No. 20-1714L
Plaintiffs,)	
)	Hon. Thompson M. Dietz
v.)	
THE UNITED STATES OF AMERICA,)	(E-Filed February 12, 2021)
)	
Defendant.)	
)	

NOTICE OF DIRECTLY RELATED CASES

Pursuant to Rule of the Court of Federal Claims (“RCFC”) 40.2(a), the United States notifies this Court that there are other cases directly related to this case that are currently before the Court of Federal Claims. The United States briefly describes this case and the directly related case below in the order they were filed:

1. *Howarth, et al. v. United States*, No. 19-1745 (Fed. Cl.) Plaintiffs filed this case on November 12, 2019. This case is assigned to The Honorable Lydia K. Griggsby. The *Howarth* case includes three land owners and four parcels. Counsel of record for the plaintiffs is Meghan Largent with Lewis Rice, LLC.
2. *Action Capital Properties, LLLP, et al. v. United States*, No. 19-1784 (Fed. Cl.) Plaintiffs filed this case on November 20, 2019. This case is assigned to The Honorable Lydia K. Griggsby. The *Action Capital* case includes two land owners and two parcels. Counsel of record for the plaintiffs is Michael J. Smith with Stewart, Wald & McCulley, LLC.
3. *Point Vinings One, LLC, et al. v. United States*, No. 20-1714L (Fed. Cl.) Plaintiffs filed this case on December 1, 2020. This case is assigned to The Honorable Thompson M.

Dietz. The *Point Vinings* case includes two land owners and one parcel. Counsel of record for the plaintiffs is Michael J. Smith with Stewart, Wald & McCulley, LLC.

4. *Ballantry PMC 4770 Atlanta Road, et al. v. United States*, No. 20-1736 (Fed. Cl.)

Plaintiffs filed this case on December 2, 2020. This case is assigned to The Honorable Lydia K. Griggsby. The *Ballantry* case includes five land owners and five parcels.

Counsel of record for the plaintiffs is Meghan Largent with Lewis Rice, LLC.

These cases are directly related under RCFC 40.2(a)(2)(B). The complaints in *Point Vinings*, *Action Capital*, *Howarth*, and *Ballantry*, allege Fifth Amendment takings claims for land along the same 2.3-mile railroad corridor in Cobb County, Georgia. In fact, it is likely that many of the same source deeds are at issue in *Point Vinings*, *Action Capital*, *Howarth*, and *Ballantry*. The cases also involve the same alleged government action—the November 5, 2019 Notice of Interim Trail Use or Abandonment issued by the Surface Transportation Board. See *Rasmussen v. United States*, 91 Fed. Cl. 204, 217 (2010) (treating “any other takings claims arising out of [the same] NITU . . . as a directly related case under RCFC 40.2”). Further, the railroad corporation are the same for all cases.

The United States believes that a single judge handling this case, *Action Capital*, *Howarth*, and *Ballantry*, may promote efficiency. Although Plaintiffs in *Action Capital* and this case are represented by the same counsel, the United States does not believe consolidation is necessary for judicial efficiency in this instance because the *Action Capital* case is sufficiently more advanced. Therefore, the United States is not moving to consolidate at this time. Thus, while the United States believes that judicial efficiency is furthered by the transfer of this case to Judge Griggsby, the judge in the first filed case, the United States is not currently seeking consolidation.

Respectfully submitted, the 12th day of February, 2021.

JEAN E. WILLIAMS
Acting Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

/s/ Dustin J. Weisman

DUSTIN J. WEISMAN
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611
Tel: (202) 598-9063
Fax: (202) 305-0506
Dustin.Weisman@usdoj.gov

Attorney of Record for the United States